

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Kevin Fernandez,

Plaintiff,

vs.

State of North Dakota, et. al.,

Defendants.

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**ORDER**

Case No. 1:12-cv-161

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Plaintiff is an inmate in Nevada's Ely State Prison. He initiated the above-entitled action in November 2012, with the submission of an incomplete "PLRA packet." He subsequently lodged a "Motion for Leave to Proceed In Forma Pauperis," which the court granted, along with a proposed complaint and "Motion for Court to Issue and Serve Summons and Complaint." This matter is now before the court for an initial review as mandated by 28 U.S.C. §1915A.

The undersigned has reviewed plaintiff's complaint and is not prepared to conclude at this point that no claim for relief has been stated. Accordingly, plaintiff's "Motion for Court to Issue and Serve Summons and Complaint" (Docket No. 4) is **GRANTED**. Clerk's office shall file plaintiff's complaint and effectuate service of the summons and complaint upon the Defendants in accordance with Rule 4 of the Federal Rules of Civil Procedure and, if necessary, service shall be made by the United States Marshals Service.

**IT IS SO ORDERED.**

Dated this 7th day of December, 2012.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge